IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

(PIL) WRIT PETITION (LODG.) NO.36 OF 2006

Gaurav Vijay Gode ..Petitioner.

Vs.

The Commissioner,
Municipal Corporation of Greater Mumbai
& Ors. ..
Respondents.

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Mr. P.A. Sabastian for the Petitioner.
Mr. K.K. Singhvi, Senior Advocate with Ms. Priti Purandare for Respondent Nos.1 to 3.
Mr. R.M. Sawant, Government Pleader for Respondent No.4.
Mr. Janak Dwarkadas, Senior Advocate with Mr. Shyam Diwan, Senior Advocate with Mr. Y.M. Chaudhari for Respondent No.5.

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CORAM:KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

5th April, 2006.

P.C. :

The Petitioner who is a resident of Jogeshwari, Mumbai has filed this Public Interest Litigation with a prayer to issue appropriate writ or direction directing Respondent Nos.1 to 4 to take appropriate action as required u1nder the Maharashtra Regional Town Planning Act, 1966 for the acquisition of the land bearing CTS No.A/754 of Village Bandra, Mumbai. It appears that the said land was earmarked and reserved for the public purposes of play

ground on 7th May, 1992. It further appears that the Improvement Committee of the Municipal Corporation has decided not to acquire the said land and the reservation is to lapse on 8th April, 2006. Once a decision is taken by the Corporation not to acquire the land, obviously for want of funds, this Court cannot pass any order compelling the Corporation to acquire the land and to use it as play ground as envisaged in the development plan. The general body of the Municipal Corporation is scheduled to be held on 7th April, 2006. We hope and trust that the General Body will take appropriate decision regarding the land in the larger interest of all the citizens after exploring all available options including under Development Control Regulation 9. With these observations, the Petition stands disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.